G. R. S. IX-5]

Previous references.

E: 285-16 Al 42
E- 99-17 Al 188 · 1919: 20
E- 99-17 Al 4868.
(C. S.)

File No. 50-19

Serial Nos. 142

Later references.

C B 114-19 Al 344.
C B. 28-24- 42
C B 169-24- 1804
C- 239-41 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~50~~ 142

Part B for December 1919

SUBJECT.

Representation of Mr B. Subbarao Dist: & Sessions Judge, Chicacole re his pay and pension.

Al 2 To. The Registrar Civil Court.
Comptr Gen. G.
No. 812-3 Dt 17-12-1919.
Directed that a concession similar to that contained in art: 403 C.S.R. be granted to the members of the Bar directly recruited as Sub Judge or to a higher appointment in the Judl: Dept: necessary amendment to the A. Leave issued in the Judl: Dept.

SW D 1250—GPB—30,000 - 25-1-19

2/1/20.

G. R. S. III—1] 1914-20

GENERAL AND REVENUE SECRETARIAT.

(CB)

NOTES

File No. 53-19

FILE HEADING.

Representation of Mr. B. Srikantaiah, Distt Judge, Shimoga Dn.

From

The Registrar, High Court.

No. D2 Dis 263 Dated 14/8/19 Received 18/8/19

Diary No. 157	Enclos. 1 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a memorial from Mr. B. Srikantaiah, Distt and Sessions Judge asking for certain favours and States that in the case of officers appointed as Subordinate Judges and Distt. Judges direct from the bar, the Judges Consider it necessary to shorten the period of ~~ice~~ service for pension.

NOTES AND ORDERS.

Mr. Srikantaiah was appointed Sub-Judge on 14-2-1913 direct from the bar at an age of 43 years nearly. He is at present Distt Judge 3rd class, Sub Judge and 2nd class acting.

NOTES—First Sheet.

(2

. R. S. 12]

General and Revenue Secretariat. | CB File No. 50. of 1919.

Serial No.

2. At the age of Superannuation he will have put in a qualifying Service of about 12 years. He therefore says that he has no hope of getting a decent pension at the time of his Retirement.

3. He refers to certain disappointments by which he has lost the chance of getting a Chief Court Judge's place and makes the following Requests.

(a) That he may be removed from the Judicial Service and given an appointment elsewhere of the Rank and dignity of a Judge of the Chief Court.

(b) That he may be given full pension on the pay he will be drawing at the time of his Retirement.

(c) That he may be given a decent personal allowance at least to make his pay equal to that of a first Class District Judge, at present

4. The Judges of the Chief Court consider that in the case of officers

NOTE—Contn. sheet.

GPB—25,000—22-3-15

157
15-1

. R. S. 12]

General and Revenue Secretariat.

C 3 File No. 50 of 191 9.

Serial No.

Directly Recruited from the Bar as Subordinate or Distt Judges it may be necessary to shorten the period of service for pension. On this point the opinion of the Financial Secretary may be obtained together with information regarding the Rules & practice in British India.

Sent with Reference.

Rw
4/9/19

Is no concession of this kind recommended exists in the case of Judges of the Chief Court directly recruited, nor of Dr & Sessions Judges & other subordinate Judicial Offrs in British India.

6 ~~Concession~~ Special rules exist only for High Court Judges & the City Civil Court & Small Cause Judges in British India vide Articles 543 & 403 C.S.R.)

The other suggestions of the Subordinate Govt Chiefs 4-9-19.

7 (Maybe considered in Council.

1204
6.9.19.

2nd member Dewan 8.9.19. 6/9/19

C.S. Circular

NOTE—Contn. sheet.

GPB—25,000—22-3-15

C5 17/9/19

16.9.19

(For Disposal at a Meeting)

No. C. 173

.....1919-20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.
(Under clause xiii of the schedule)

Representation of Mr. B. Subbanna, District and Sessions Judge, for certain concessions relating to allowances, pension etc., and the question of shortening the period of service for pension in the case of officers appointed as Subordinate Judges and District Judges direct from the Bar.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

.....18th..September. ...19.19..

Chief Secretary to Government.

Extraordinary Member of Council. Seen. 26.9.19.

First Member of Council. Seen. The order of 18.11.19 of 21.6.19 has been circulated for the information of the members. 23.9

2/81-171-21.9.19.

Second Member of Council. Seen.

Third Member of Council. Seen. 26/9/19

C.173

(54)

Extract from the Proceedings of the 536th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* Thursday the 23rd Octr. *1919.*

12. Subject. - Clause xiii of the schedule.

Representation of Mr. B. Subbanna, District and Sessions Judge, relating to his allowances, pension etc. and the question of shortening the period of service for pension in the case of Subordinate Judges and District Judges, recruited from the Bar.

Opinion of the Council.

10 A concession similar to the one contained in Article 403 of the British Indian Civil Service Regulations may be granted in the case of members of the Bar directly recruited as Subordinate Judge or to a higher appointment in the Judicial Department.

11 The other requests of Mr. Subbanna cannot be granted but in the arrangements connected with Mr. Humza Hussain's appointment to the Council, provisionally permanent appointments may be made in the Judicial Department, Mr. Humza Hussain's lien on his substantive appointment being suspended during his employment in the Council. This will to some extent remedy the grievance of Mr. Subbanna.

Signed) M. Kantaraj Urs,

Dewan of Mysore

"EXTRACT

C S Balakrishna Secretary

Chief Secretary to Government.

VD 1148—GPB—1,000—23-12-19

C:173

6

R. S. III-2]

General and Revenue Secretariat.

CB File No. 50 of 1919.

Serial No.

12 Extract from the Proceedings of the Council is put up.

13 Forwarded, with compliments, to the Financial Secretary to Government, for concurrence or remarks if any.

By order,

CS Balasundaram 25/9/19

Chief Secretary to Govt.

14 Article 403 C.S.R. does not allow to a Subordinate or Sessions Judge appointed from the Bar, the concession of counting as service qualifying for superannuation pension the number of completed years by which his age may at the time of appointment have exceeded 25 years subject to the maximum of 5 years. The concession allowed by the said article is for the incumbents of certain specified legal appointments and without ascertaining the conditions under which the concession is extended only to these officers and not to gentlemen appointed from the Bar to other Judicial officers like the Subordinate and Sessions Judges, I think it is not possible to consider the question whether a rule similar to that contained in the said article should be adopted and if so with what modification. I would therefore suggest that full information as to the practice obtaining say in the Madras and the Bombay Presidencies may be obtained.

15 I do not know if the period for which a temporary (third) Member of Council is required has been fixed. The provisional appointment referred to in para 2 of Opinion of the Council is not, I submit, admissible under Art. 60, M.S.R.,

NOTE.—Contn. sheet 6

. R. S. 12]

General and Revenue Secretariat.

CB File No. 50 of 1919.

Serial No.

16 The question whether such appointment is admissible or not cannot be decided before the term of appointment of the additional Member is settled.

Draft 28/10/19

2nd Member, Dewan

~~Three~~ 2nd

CSY 28/10/19

17 We have purposely made a departure from the Madras rules. The Madras rules are clear enough. In Madras subordinate judgeships & District judgeships are rarely vacated from the members of the Bar & have no provision similar to the one contained in Article 543 & 403 of the Madras Civil Service rules in favour of the Small Cause & City Civil Court judges. No such Courts exist in our State and vacancies made here from the members of the Bar. These lawyers who are generally in their financial ranks & the prospects will be not less than 60 years of age at the time of their entry into the Service and if the rules of pension are not relaxed in their favour, there will be no inducement for them to accept the post. The

NOTE—Contn. sheet.

C 173

F. R. S. III-2.

General and Revenue Secretariat. | C.B. File No. 50 of 1919.

Serial No.

Resolution [illegible] Council regarding vacancies [illegible] their effect &c. Item 1 no need to call for further information. 18. As regards the terms of the 3rd Member, no term is fixed but it is renewable from year to year. All Council appointments, I believe, are [illegible] during the pleasure of His Highness the Maha Raja. Item 1 no remarks. I think the term: H. may be treated as practically permanent.

Dewan 30/10/19

CS 30/10/19

19: I agree

CS 31.10.19

20 Placement with D.F.

DS 1/11/19

21 A.D.F.N. submitted

8/11/19 to 2nd member

CS 10/11/19

22 Final Note signed by the Member in person.

14/11/19.

2261 12-11-19

NOTE—Contn. sheet

G. R. S. III-2]

C. 173

(8

General and Revenue Secretariat.

C.B File No. 50 of 1919.

Serial No.

D. S. N. Submitted

Dewan)

DEWAN'S OFFICE.
Recd. on NOV 14 1919
Reg. No. 3319

NOTE—Contn. sheet.

(10

Final Note by the Second Member of Council.

Subject:- Representation of Mr.B.Subbanna, District and Sessions Judge, Shimoga, in regard to his pay and pension and the question of shortening the period of service for pension in the case of Sub Judges and District Judges directly recruited from the Bar.

---

23 Mr. B. Subbanna was appointed Sub Judge on 19th February 1913 direct from the Bar. He is at present District Judge, 3rd class, sub pro tem (vice Mr. Hamza Hussein on other duty) and 2nd class acting (vice Mr. Plumer as acting Judge of the Chief Court.)

2. Mr. Subbanna was about 43 years of age at the time of his appointment and at the age of superannuation he will have put in only about 12 years of service. He therefore says that he has no hope of getting a decent pension. He refers to certain disappointments in the Judicial H Department and makes the following prayers:-

(1) That he may be removed from the Judicial Service and given an appointment elsewhere of the rank and dignity of a Judge of the Chief Court.

(2) That he may be given full pension on the pay he may be drawing when he retires from the service after his 55th year of age.

and (3) That at present he may be given a decent personal allowance at least to make his pay equal to that of a District Judge, 1st class.

3. In forwarding Mr. Subbanna's representation, the Judges of the F Chief Court consider that in the case of Sub Judges and District Judges directly recruited from the Bar, it may be necessary to shorten the period of service for pension.

4. The subject was considered at the meeting of Council held on the 23rd October 1919 and it was resolved as follows:-

(11

" (1) A concession similar to the one contained in Article 403 of the British Indian Civil Service Regulations may be granted in the case of members of the Bar directly recruited as Sub Judge or to a higher appointment in the Judicial Department (i.e. such an officer may be allowed to count as service qualifying for pension the number of completed years by which his age at the time of his appointment has exceeded 25 years, subject to a maximum of 5 years)

(2) The other requests of Mr. Subbanna cannot be granted, but in the arrangements connected with Mr. Hamza Hussein's appointment to the Council, provisionally permanent appointments may be made in the Judicial Department, Mr. Hamza Hussein's lien on his substantive appointment being suspended during his employment in the Council. This will to some extent remedy the grievance of Mr. Subbanna."

5. The Financial Secretary, to whom the papers were forwarded for concurrence, says that article 403 of the British Indian Civil Service Regulations does not allow the concession to a Sub Judge or District Judge appointed from the Bar. It is allowed only to the incumbents of certain specified legal appointments and without ascertaining the conditions under which the concession is extended only to these officers it is not possible to consider the question whether a rule similar to that contained in the Civil Service Regulations should be adopted here and, if it should be, with what modifications. He therefore wants to ascertain the practice in Madras and Bombay.

Pages 5 & 6 of office Note

With regard to the 2nd point, viz., making provisionally permanent the sub pro tem arrangements in the Judicial Department caused by the appointment of Mr. Hamza Hussein as Member of Council, the Financial Secretary says that it cannot be decided before the term of the appointment of additional Member of Council is settled.

With reference to Financial Secretary's remarks, I may state --- firstly with regard to framing a rule similar to Article 403, Civil Service Regulations, that a departure from the Madras rules was purposely made in Council. In Madras Subordinate and District Judges

(12

are rarely recruited directly from the Bar and hence no provision exists in their favour similar to the one contained in Articles 543 and 403, Civil Service Regulations, in favour of the Small Cause and City Civil Court Judges. No such courts exist in our State and recruitment to the grade of Sub Judges is very often made here from among the members of the Bar. These lawyers who are generally in the front ranks of the profession will be not less than 40 years of age at the time of their entry into the service and if rules of pension are not relaxed in their favour there will be no inducement for them to accept Government service. For these reasons, I think there is no need to call for further information and the resolution of the Council in this respect might be given effect to.

Secondly, the appointment of the Third Member is renewable from year to year at the pleasure of His Highness the Maharaja. As other Council appointments are also held during the pleasure of His Highness there is no necessity, I think, to fix the term and the arrangements in question may be treated as provisionally permanent. This may be treated as a special exception to the rule contained in Article 60 of the Mysore Service Regulations.

6. The resolution of the Council on both the points may be sanctioned.

MEMBER OF COUNCIL.

12th November 1919.

113

Submitted to His Highnes

25 *I submit herewith a Final Note by the*....Second....

Member of Council on the ~~xxkjxxxxxxfx~~ representation of Mr.B.Subbanna, District and Sessions Judge,Shimoga,in to his pay and pension and the question of shortening riod of service for pension in the case of Subordinate and District Judges directly recruited from the Bar,

Highness' gracious approval.

16th Nov 1919

Veerasamy Iyer

Dewan.

173

(14

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Representation of Mr.B.Subbanna, District & Sessions Judge, Shimoga, regarding his pay and pension.

Order.

26. ~~KRW~~
20/11/19.

27 C-L
21.11.19

(15

G. R. S. III–2]

C. 173

General and Revenue Secretariat. | CB File No. 50 of 1919.

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

28 Circulated to the Members of Council for perusal of (*)

His Highness' orders [illegible] issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C S Balasundaramiyr 24/11/19
Chief Secretary to Govt.

Through the Secretary to Government,

....Department.

3938-53
18.12.19

29/

FIRST MEMBER OF COUNCIL S.S.R.
20.12.19

25013
21-11-19

29 SECOND MEMBER OF COUNCIL
24/11

18.61
22/11/19

30 ~~TEMPORARY~~ MEMBER OF COUNCIL.
22/1

NOTE.—Contn. sheet

WD 1573—GPB—500—4-3-19

(16

. R. S. III-2.

General and Revenue Secretariat.

C.B File No. 5-D of 1919

Serial No.

31) Mr. Hamza Hussains present lien in the Judl. Deptt is that of a Dt Judge II class permt & I class Offg (with effect from 23.10.18. As directed in paras 24(a)&(b), 25&26, provly permanent appointments have to be made in respect of this lien is in II class with effect from 2.1.1919 (if approved) as noted below

1) Mr. B. Nagappa Dt Judge, III class permt., II Class Sub Pt (8.8.1918) & I Class Offg (23.10.18) to be II class provly permt (2.1.19) but to continue as Dt Judge I Class Offg vice Mr. Hamza Hussain on other duty as Member of Council.

2) " B. Subbanna Subordinate Judge permanent, Dt Judge III class Spl & Dt Judge II class Offg to be Dt Judge III class provly permanent vice R.I. but to continue as Dt Judge II class Offg

3) " K. Ramanswamy Iyengar Subordinate Judge Offg to be Subordinate Judge provisionally permt.

32) Draft G.O. & Notes are subd

33) [As regards confirmation proposals consequent on the confirmation of Mr. R.B. Plumer, please see the note ~~below~~ annexed to this file].

HMH
29/11/19

34) For approval

2nd November

28/12
12.12.19

35) Alternative two drafts approved.

CSG
11/12

11/12

36) Issue

CSG
13/12/19

NOTE—Contn. sheet

General and Revenue Secretariat. | CB. File No. 50 of 1919.

Serial No.	
2	To the Registrar, Ch: Ct of Mysore & the Comptroller, Mysore Govt thro' Fi. dept No. 812-B dy 17.12.19 Directs that a concession similar to that contained in Art 403 CSR be granted to members of the Bar directly recruited as Subjudge or to a higher appointment in the Judl Deptt, necessary amendments to MSR being issued in the Fe Deptt For further orders & order issued. See CB 114-19 RC 3+4

NOTE—Contn. sheet.

D2 Dis. No. 263 of 19-20 Ref 1

(18 CB 157.

CB 50-19-1

Ch Secy
18 AUG 1919

Bangalore, dated 14th August 1919.

157

4959
Con. Por

From

G. Sreenivasa Iyer, Esq., B.A., M.L.,
Registrar of the Chief Court of Mysore,
Bangalore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

Sir,

I am directed to forward herewith a memorial dated the 17th August 1919, from Mr. B. Subbanna, District and Sessions Judge, Shimoga Division, asking for certain favours and to state that in the case of officers appointed as Subordinate Judges and District Judges direct from the Bar, the Judges consider that it may be necessary to shorten the period of service for pension.

I have the honour to be,
Sir,
Your most obedient servant,

G Sreenivasa Iyer
Registrar.

cts 110-12-3
cts 303-15
cts 285-16-2
cts 79-17-4
cts 99-17-2
cts 224-17-1
CB 59-18-3
CB 59-18-5

Tks.

(19

To.

THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

The Humble memorial of B. Subbanna, District Judge, Shimoga most respectfully sheweth.

1. That though the memorialist is keenly alive to and thankfully appreciative of the uniform kindness which the Government and its members have borne towards him from the time they honored him by conferring upon him an appointment as Subordinate Judge without asking for it, yet he has good reason to feel as if ordained by fates to be one of the very few unfortunate officers who are subjected to much disappointment and vexation in this most benign regime.

2. He is averse to say much about himself yet he is compelled in justice to himself and to the large family dependent upon him to allude a little to the circumstances in which he was attracted to the service in order to show the reasonableness of the requests he is going to make in this memorial. The memorialist had done much service to his motherland in his own humble sphere as could be done by an honest and hardworking lawyer whose heart bounds with sympathy and love for his people and at the full swing of practice built up for nearly twently years His Excelency Sir Visvesvaraya sent for him and spoke to him about the intention of his Govern--ment to employ the memorialist in service he felt highly honored, and fired by an ambition to serve his country as a public servant and to obtain distinction as a Judge of the Chief Court he resigned the Bar and took up service as the prospect at that time looked so bright that he expected to be District Judge in about a year and had by no means an unreasonable hope that he could get a rank above Mr. Nagappa and soon would be at the threshhold of a Judgeship in the Chief Court.

Though he was disappointed in not getting the rank that he expected to get the prospect was still bright enough as from the

(20

commencement of 1916 the memorialist began to officiate as District Judge and though there were breaks now and then there appeared a fair chance of speedy confirmation, and the affairs in the State were moving so fast that he hoped for a Judgeship in the Chief Court soon. But the appointment of Mr, Doraswami Iyer as a Judge of the Chief Court has suddenly and almost effectually blocked up the memorialists way to future advancement in the Judicial Department and as misfortune would have it he is not yet confirmed as District Judge even in the third class and has been unable to draw more than Rs. 800/- though he has been acting for a long while in the second class.

It is thus plain that the one ambition with which the memorialist worked hard night and day and which lured him from a lucrative practice is completely fustrated: he has lost the splendid opportunity he had at the bar to retire on a decent fortune before he was very old; he has no hope of getting any decent pension in the ordinary course of service; he will be compelled to rejoin the bar and work hard in his old age to pay the way for a large family: he has practically nothing and could have nothing to show as his savings in the service as every honest officer of his grade can tell; and added to all these is the humiliation that a gentleman by far his junior at the bar is placed directly above him.

The memorialist therefore most respectfully prays that the Government will be pleased to see whether he has no reason to complain that he feels stranded in a forlorn situation hopeless of the future, unable to retrace his steps.

In these circumstances the humble memorialist most respectfully and earnestly prays that if he has deserved well at the hands of the Government it will please them to accord to him the following favours;

(1) That he may be removed from Judicial service and given an appointment elsewhere of the rank and dignity of a Judge of the Chief Court. He is quite confident of giving entire satis-faction in any situation and only begs for an opportunity.

(2) That the Government may be pleased to order that he shall get full pension calculated on the pay he will be drawing when he retires from service after the 55th. year of age.

(3) That the Government will be graciously pleased to bestow upon him some decent personal allowance, at least to make his pay equal to that of a first class District Judge at present.

He has the honor to be
Most obedient and loyal servant of the
Government.

Camp. Chitaldroog
Dated 7th. August 1919.

B Subbanna
District Judge
Shimoga Division.

G.R.S. VI-71

SUBJECT.....

.....

.....

alternative two drafts for no. 1 draft

Diary No. of letter replied to.....

Section CB
File No. 50/19
Serial No. 2

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, *the* , 191

Date of issue 17th Dec 1919

Signed by Dwr C. S. Balasundara
Secr

Read— letter No. D2 Dis No. 263 of 19-20 dt 14th Augt 1919 from the Registrar of the Chief Court of Mysore forwarding a memorial of the 7th idem from Mr. B Subbanna, Dt. Sessions Judge, Shimoga Dt asking for certain concessions and stating that in the case of officers appointed as Subordinate Judges & Dist Judges, the Judges of the Chief Court consider that it may be necessary to shorten the period of service for pension.

Order Thereon No 812-13 ab
CB 50 19-2 dt 17-12-19

Govt are pleased to direct that a concession similar to the one contained in Art 403 of the British Indian

May this be

i Printed

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

(2 3

Indian Civil Service Regns be granted in the case of ~~the~~ Members of the Bar directly recruited as Sub Judge or to a higher appointment in the Judicial Dept^t, that is, such an Officer be allowed to count as service qualifying for pension the number of completed years by which his age at the time of his appointment has exceeded 25 years subject to a maximum of 5 years.

Necessary Amendments to M^s Regns will be issued in the ~~Judl~~ Dept.

2. ~~Govt accept that the above request~~ ~~M^r Subbanna cannot be granted~~ M^r Subbanna has been made provisionally ~~has been~~ appointment in his appointment as Dist^t Judge with effect from 2-1-19 vide G.O. No ~~dated G.O. No~~).

(SD) Chief Secy to Govt

List of enclosures.

~~This will remedy the grievance to some~~ extent. His Highness Cannot be granted.

To The Registrar Ch: Court of Mysore (with a covering letter) & Comptroller Mysore Govt (Secy to Govt Judl Sects).

Copied by

Examined by

Copy to the Protection Branch Judl Sects.

WD 1744—GPB—30,000—17-3-19